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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/456,897	12/08/1999	KEITH THOMAS AHERN	PHA-23.778	7056

7590 01/29/2004

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EXAMINER

YUAN, ALMARI ROMERO

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 01/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/456,897

Applicant(s)

AHERN, KEITH THOMAS

Examiner

Almari Yuan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 16-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

### **DETAILED ACTION**

1. This action is responsive to communications: Request for RCE and Amendment filed on 11/17/03.
2. The rejection of claims 16-26 under 35 U.S.C. 103(a) as being unpatentable over Freund in view of Business Wire and in further view of Powers has been withdrawn as necessitated by amendment.
3. Claims 27 –33 are cancelled. Claims 16-26 are pending in this case. Claim 16 is an independent claim.

#### ***Continued Examination Under 37 CFR 1.114***

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/17/03 has been entered.

#### ***Information Disclosure Statement***

5. The information disclosure statement filed on 6/28/01 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not

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been considered. The foreign search report is not a proper content of Information Disclosure Statement (see MPEP 37 CFR 1.98(a)(2)) and the documents cited as "A" on the foreign search report must be provided for consideration.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 16-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

**Regarding independent claim 16**, the limitations "wherein providing the first text portion and the first script portion to an application that lacks a capability for formatting the first text portion in accordance with the first script portion results in the display of the first text portion", are not enabled in the specification. The Examiner has carefully read Applicant's specification, more particularly page 4 of Applicant's specification mentioned in the Arguments on page 8 of the Amendment filed on 11/17/03. However, on page 4, lines 2-5 of applicant's specification "...an electronic document with text specification and scripts that allows for an easy-to-read display of the text information regardless of the capabilities of the application..." does not properly support the amended claimed limitation "wherein providing the first text portion and the first script portion to an application that lacks a capability for formatting the first

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text portion in accordance with the first script portion results in the display of the first text portion”.

Applicant is advised against the addition of new matter.

**Regarding dependent claims 17-26**, claims 17-26 are rejected for fully incorporating the deficiencies of their respective base claim.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 16-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freund, Jim (“HotDog Professional 5.1 Webmaster Suite: HotDog 5.1 Cuts the Mustard”, 11/1998, Computer Shopper, Vol. 18, No. 11, pages 1-2) in view of Business Wire, “HotDog powers Web authors to new heights”, 10/1996, pages 1-2), and in further view of Powers et al. (USPN 6,362,817 B1 – filed on 05/1998), and in further view of Simpson, Alan, “Mastering WordPerfect 5.1 & 5.2 for Windows”, 1993, SYBEX Inc., pages 74-81, 108-109, 148-150, and 944-945.**

**Regarding independent claim 16**, Freund discloses:

A method of producing an electronic document, comprising:

Freund discloses “providing a first text portion, the first text portion exclusive of script” and “wherein the first text portion comprises visible characters”, on page 1: teaches HotDog HTML editor offers a main editing window with a preview area that shows how your file will appear in a browser (visible characters). You can choose to have ROVER that takes up the lower half of Edit Window and dynamically display the effect your edits have on your document (text portion).

However, Freund does not explicitly teach “providing a first script portion, the first script portion exclusive of text” and “the first script portion consists of invisible characters”.

Business Wire discloses “providing a first script portion, the first script portion exclusive of text” and “the first script portion consists of invisible characters”, on page 1: teaches the HotDog Professional Web editor includes ROVER (Real-time Output ViewER) which is able to preview Java, Java script, style sheets, etc. without starting a browser and wherein a Java Script tool can be used by the users to create professional design effects, in other words, the user can edit Java scripts (includes invisible characters) and preview the output of the Java script without starting the browser.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Business Wire into Freund to provide ROVER (Real-time Output ViewER) which you can preview the Java scripts, as taught by Business Wire, incorporated into the ROVER of Freund, in order to provide users an effective Web editing tool.

However, Freund and Business Wire do not explicitly teach “location parameter identifier” and “location coordinate”.

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Powers does disclose "location parameter identifier" and "location coordinate", on col. 16, lines 30-51: teaches location parameters that specifies the location of the POPUP; the POPUP tag specifies the type of popup (see col. 16, lines 44-51: shows a segment of POPUP tag with POPUP location parameters (1,3,2) and coordinates (COORDS= "(100,100)").

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Powers into Freund and Business Wire to provide a way to specify location parameters and coordinates of a type of element (POPUP), as taught by Powers, incorporated into the script for editing using HotDog HTML editor feature ROVER (Real-time Output ViewER) of Freund and Business Wire, in order to quickly and efficiently operate generation of views on a user's computer system.

However, Freund, Business Wire, and Powers do not explicitly disclose "wherein providing the first text portion and the first script portion to an application that lacks a capability for formatting the first text portion in accordance with the first script portion results in the display of the first text portion".

Simpson on pages 74-81, 108-109, 148-150, and 944-945 teaches a document window with an upper section that shows a regular text (text portion) and a bottom section that shows text with visible codes; wherein the user has the ability to edit the text document and view the codes at the same time. The user also has the ability to edit codes such as delete, move, or insert codes in Reveal Codes section of the display screen (see pages 77-80) without the application's help of using auto code (see page 81) for modifying the user's document.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have Simpson into Freund, Business Wire, and Powers to provide a way

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for the user to edit codes of the text document without the application's help, as taught by Simpson, incorporated into document processing of Freund, Business Wire, and Powers, in order to aid the formatting problems of the user's document (Simpson on page 76, 1<sup>st</sup> paragraph).

**Regarding dependent claims 17 and 18, Freund discloses:**

communicating first text portion (Freund on page 1: teaches ROVER that takes up the lower half of Edit Window and dynamically display the effect your edits have on your document (displaying text portion)) and communication the first script portion (Business Wire on page 1: teaches ROVER (Real-time Output ViewER) which is able to preview Java, Java script, style sheets, etc. without starting a browser and wherein a Java Script tool can be used by the users to create professional design effects (script portion)).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Business Wire into Freund to provide ROVER (Real-time Output ViewER) which you can preview the Java scripts, as taught by Business Wire, incorporated into the ROVER of Freund, in order to provide users an effective Web editing tool.

**Regarding dependent claim 19, Freund discloses:**

rendering the electronic document (Freund on page 1: teaches ROVER that takes up the lower half of Edit Window and dynamically display (rendering) the effect your edits have on your document.

**Regarding dependent claims 20, Freund discloses:**

displaying the first text portion without regard to the first script portion, and without displaying the first script portion (Freund on page 1: teaches main editing window offers a



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preview area that shows how your file (text portion) will appear in a browser, in other words, a full browser preview can be used instead (displaying text portion without script portion)).

**Regarding dependent claim 21,** Freund discloses:

formatting the first text portion in accordance with the first script portion and without displaying the first script portion (Freund on page 1: teaches ROVER that takes up the lower half of Edit Window and dynamically display the effect your edits have on your document.

However, a full browser preview can be used instead (displaying text portion without script portion)).

**Regarding dependent claim 22,** Freund discloses:

replacing at least one of the visible characters of the first text portion (Freund on page 1: teaches text-based HTML editor (replacing) using ROVER that takes up the lower half of Edit Window and dynamically display the effect your edits have on your document (displaying text portion including visible characters)), with one or more visible characters determined by the first script portion (Business Wire on page 1: teaches ROVER (Real-time Output ViewER) which is able to preview Java, Java script, style sheets, etc. without starting a browser and wherein a Java Script tool can be used by the users to create professional design effects (script portion)).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Business Wire into Freund to provide ROVER (Real-time Output ViewER) which you can preview the Java scripts, as taught by Business Wire, incorporated into the ROVER of Freund, in order to provide users an effective Web editing tool.

**Regarding dependent claims 23-25,** Power discloses:

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Powers does disclose "location parameter identifier" and "location coordinate", on col. 16, lines 30-51: teaches location parameters that specifies the location of the POPUP; the POPUP tag specifies the type of popup (see col. 16, lines 44-51: shows a segment of POPUP tag with POPUP location parameters (1,3,2) and coordinates (COORDS= "(100,100)"; where the POPUP will be located when displayed).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Powers into Freund and Business Wire to provide a way to specify location parameters and coordinates of a type of element (POPUP), as taught by Powers, incorporated into the script for editing using HotDog HTML editor feature ROVER (Real-time Output ViewER) of Freund and Business Wire, in order to quickly and efficiently operate generation of views on a user's computer system.

**Regarding dependent claim 26**, Freund discloses:

wherein visible characters comprises codes that when processed by a display application result in the display of characters (Freund on page 1: teaches HotDog HTML editor offers a main editing window with a preview area that shows how your file will appear in a browser (visible characters)); and wherein invisible characters comprise codes that when processed by a display application do not result in the display of characters (Business Wire on page 1: teaches the HotDog Professional Web editor includes ROVER (Real-time Output ViewER) which is able to preview Java, Java script, style sheets, etc. without starting a browser and wherein a Java Script tool can be used by the users to create professional design effects, in other words, the user can edit Java scripts (includes invisible characters) and preview the output of the Java script without starting the browser).

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It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Business Wire into Freund to provide ROVER (Real-time Output ViewER) which you can preview the Java scripts, as taught by Business Wire, incorporated into the ROVER of Freund, in order to provide users an effective Web editing tool.

***Response to Arguments***

10. Applicant's arguments with respect to claims 16-26 have been considered but are moot in view of the new ground(s) of rejection.

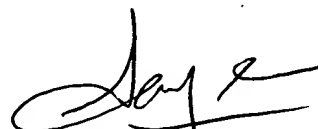
***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Almari Yuan whose telephone number is (703) 305-5945. The examiner can normally be reached on Mondays - Fridays (8:30am - 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (703) 305-9792. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

AY  
January 25, 2004

  
SANJIV SHAH  
PRIMARY EXAMINER